

House Study Bill 121 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act expanding the definition of a public utility for
2 purposes of provisions governing public utility crossings
3 of railroad rights-of-way, and including effective date and
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.27, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Od.* "*Electric transmission owner*" means
4 an individual or entity who owns and maintains electric
5 transmission facilities including transmission lines, wires, or
6 cables that are capable of operating at an electric voltage of
7 thirty-four and one-half kilovolts or greater.

8 Sec. 2. Section 476.27, subsection 1, paragraph e, Code
9 2015, is amended to read as follows:

10 *e.* "*Public utility*" means a public utility as defined
11 in section 476.1, except that, for purposes of this section,
12 "*public utility*" also includes all mutual telephone companies,
13 municipally owned facilities, unincorporated villages,
14 waterworks, municipally owned waterworks, joint water
15 utilities, rural water districts incorporated under chapter
16 357A or 504, cooperative water associations, franchise cable
17 television operators, ~~and~~ persons furnishing electricity
18 to five or fewer persons, and electric transmission owners
19 primarily providing service to public utilities as defined in
20 section 476.1.

21 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
24 retroactively to July 1, 2001.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill expands the definition of "public utility" for
29 purposes of provisions governing public utility crossings of
30 railroad rights-of-way to include electric transmission owners
31 primarily providing service to public utilities as defined in
32 Code section 476.1. The bill defines an "electric transmission
33 owner" to mean an individual or entity who owns and maintains
34 electric transmission facilities including transmission lines,
35 wires, or cables that are capable of operating at an electric

1 voltage of 34.5 kilovolts or greater.

2 Provisions governing public utility crossings of railroad
3 rights-of-way, which shall now encompass electronic
4 transmission owners, include rules adopted by the Iowa
5 utilities board in consultation with the department of
6 transportation addressing notification required prior to the
7 commencement of any crossing activity, a requirement that the
8 railroad and the public utility each maintain and repair the
9 person's own property within the railroad right-of-way and bear
10 responsibility for each person's own acts and omissions, the
11 amount and scope of insurance or self-insurance required to
12 cover risks associated with a crossing, a procedure to address
13 the payment of costs associated with the relocation of public
14 utility facilities within the railroad right-of-way necessary
15 to accommodate railroad operations, terms and conditions for
16 securing the payment of any damages by the public utility
17 before it proceeds with a crossing, access to a crossing for
18 repair and maintenance of existing facilities in case of
19 emergency, and engineering standards for utility facilities
20 crossing railroad rights-of-way.

21 Additionally, unless otherwise agreed by the parties or
22 regarded as a special circumstance entitled to relief, a
23 public utility that locates its facilities within a railroad
24 right-of-way for a crossing, other than a crossing along the
25 public roads of the state pursuant to Code chapter 477, shall
26 pay a railroad a one-time standard crossing fee of \$750 in
27 lieu of any license or other fees or charges to reimburse the
28 railroad for the direct expenses incurred by the railroad as a
29 result of the crossing.

30 The bill takes effect upon enactment and applies
31 retroactively to July 1, 2001.